

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KASOWER	Examiner:	SHAIKH, MOHAMMAD Z
Serial No.:	10/665244	Group Art Unit:	3696
Filed:	September 20, 2003	Docket No.:	20168.0004USU2
Title:	METHOD OF ON-LINE CREDIT INFORMATION MONITORING AND CONTROL		

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By:

Name: Justine Suleski

APPELLANT'S BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

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Customer Number

Dear Sir:

This Brief is presented in support of the Notice of Appeal filed herewith from the final rejection of claims 1 and 3-22 of the above-identified application, as set forth in the Non-Final Office Action mailed November 30, 2009.

Please charge Deposit Account No. 50-3478 in the amount of \$270 to cover the required fee for filing this Brief.

I. REAL PARTY IN INTEREST

The Real Party in Interest is Mighty Net, Inc.

II. RELATED APPEALS AND INTERFERENCES

The Assignee, the Assignee's legal representatives, and the Appellant are unaware of any other appeals or interferences that will affect, be directly affected by or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS

Claims 1 and 3-22 are pending and are subject of this appeal.

Claim 2 has been cancelled without prejudice or disclaimer.

Claims 1, 18, 19 and 22 have been rejected under 35 USC 103(a).

Claim 20 has been rejected under 35 USC 103(a).

Claims 3-9 and 11 have been rejected under 35 USC 103(a).

Claims 10, 12 and 13 have been rejected under 35 USC 103(a).

Claims 14, 15, 17 and 21 have been rejected under 35 USC 103(a).

Claim 16 has been rejected under 35 USC 103(a).

Appendix VIII attached herewith provides a copy of claims 1 and 3-22 to be reviewed in this Appeal.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the November 30, 2009 Office Action. A Notice of Appeal was filed on January 28, 2010.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed subject matter relates generally to online methods for monitoring and control of an individual's credit information (page 1, lines 14-16).

Independent Claim 1:

Independent claim 1 recites a method for on-line monitoring and on-line interaction and control of credit information from a credit report of a consumer of credit (page 1, lines 14-16).

The method comprises:

providing an on-line consumer credit information management system that allows the consumer to log onto the on-line consumer credit information management system by means of a computer (26) (Page 3, line 26-page 4, line 2; page 4, lines 7-10; and Figures 1-2);

the on-line consumer credit information management system accessing and retrieving credit information from the credit report of the consumer from a database of a credit reporting bureau that contains credit information of the consumer as reported to the credit reporting bureau by one or more credit grantors (44, 30, 45), the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor (46, 48) (Abstract; page 10, line 17-page 11, line 6; page 16, lines 12-17; page 17, lines 1-9; and Figures 2, 4, 5A and 5B);

the on-line consumer credit information management system providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links (53), each one of said active links (53) being associated with a respective one of the plurality of credit items to provide the consumer the ability to interact with each credit item of the credit information via the computer (48, 52) (page 10, line 17-page 11, line 6; page 11, lines 15-18; and Figure 5B); and

the on-line consumer credit information management system providing the consumer the ability to communicate directly with one of the credit grantors regarding one of the credit items by selecting the active link (53) associated with the credit item (48, 52) (page 11, lines 15-18; and Figure 5B).

Independent Claim 14:

Independent claim 14 recites a method for on-line monitoring and control of credit information of a consumer of credit (page 1, lines 14-16).

The method comprises:

providing an on-line consumer credit information management system that allows the consumer to log onto the on-line consumer credit information management system by means of a computer (26) (page 3, line 26-page 4, line 2; page 4, lines 7-10; and Figures 1 and 2);

the on-line consumer credit information management system allowing the consumer to select at least two or more of the following services offered by the on-line consumer credit information management system (27): obtaining and tracking credit reports and/or scores (30); monitoring credit (32); reporting lost credit cards (34); identity theft reporting (36); calculating hypothetical interest rates that the consumer should pay for specific types of loans based on the consumer's credit information (38); and accessing credit information archived by the on-line consumer credit information management system (40) (page 10, lines 8-16; page 14, lines 10-20; and Figures 2, 3C and 10).

Independent Claim 22:

Independent claim 22 recites a method for on-line monitoring, interaction and control of credit information of a consumer of credit using the consumer's credit report (page 1, lines 14-16).

The method comprises:

providing an on-line consumer credit information management system that allows the consumer to log onto the on-line consumer credit information management system by means of a computer (26) (page 3, line 26-page 4, line 2; page 4, lines 7-10; and Figures 1 and 2);

the on-line consumer credit information management system accessing and retrieving credit information from the consumer's credit report from a database of a credit reporting bureau that contains credit information of the consumer as reported to the credit reporting bureau by credit grantors (44, 30, 45), the retrieved credit information comprising a plurality of credit

items, each credit item associated with a specific credit grantor (46, 48) (page 10, line 17-page 11, line 6; page 11, lines 15-18; and Figure 5B); and

the on-line consumer credit information management system providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links (53), each of said active links (53) being associated with a respective one of the credit grantors to provide the consumer the ability to initiate contact with the credit grantors regarding the credit items (48) (page 11, lines 15-18; and Figure 5B).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A.** Whether claims 1, 18, 19 and 22 are unpatentable over Brody et al. (U.S. Patent Publication No. 2002/0077964) in view of Remington et al. (U.S. Patent No. 6,968,319).
- B.** Whether claims 14, 15, 17 and 21 are unpatentable over Brody et al. (U.S. Patent Publication No. 2002/0077964) in view of Ferguson, III (U.S. Patent Publication No. 2002/0173994) and further in view of Crawford et al. (U.S. Patent Publication No. 2003/0046223).

VII. ARGUMENT

The claims are patentable over the cited prior art because the evidence clearly establishes that: a) the combination of Brody et al. and Remington et al. does not teach or suggest all of the features of claim 1; b) the combination of Brody et al. and Remington et al. does not teach or suggest all of the features of claim 18; c) the combination of Brody et al. and Remington et al. does not teach or suggest all of the features of claim 22; and d) a person of ordinary skill in the art would not look to combine Brody et al., Ferguson, III and Crawford et al. to obtain the features of claim 14.

A. Claims 1, 18, 19 and 22 are not unpatentable under 35 U.S.C. §103(a) in view of Brody et al. (U.S. Patent Publication No. 2002/0077964) in view of Remington et al. (U.S. Patent No. 6,968,319).

Claims 1, 18, 19 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brody et al. in view of Remington et al. Appellants respectfully request reversal of the rejection for at least the following reasons. For purposes of this appeal only, independent claims 1 and 22 and dependent claim 18 are separately argued below and dependent claim 19 is considered to stand or fall together with claim 1. Also, for purposes of this appeal only, the 35 U.S.C. §103(a) rejections of dependent claims 3-13 are not addressed as these claims are considered to stand or fall together with claim 1.

1. The combination of Brody et al. in view of Remington et al. does not teach or suggest all of the features of claim 1.

Claim 1 is directed to a method for on-line monitoring and on-line interaction and control of credit information from a credit report of a consumer of credit that recites, inter alia, the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor. Claim 1 also recites providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each one of said active links being associated with a respective one of the plurality of credit items to provide the consumer the ability to interact with each credit item of the credit information via the computer.

Further, claim 1 recites providing the consumer the ability to communicate directly with one of the credit grantors regarding one of the credit items by selecting the active link associated with the credit item.

First, the combination of Brody et al. and Remington et al. does not teach or suggest the features of the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor. The November 30, 2009 Office Action asserts that paragraph [0087] of Brody et al. teaches the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor. This is not the case.

Brody et al. is directed to systems and methods for providing consumers with credit information that help consumers evaluate their credit report or credit worthiness, and better understand their credit rating and for providing pre-approved credit offers from a consumer-selected group of merchants (see Abstract of Brody et al.). Particularly, paragraph [0087] of Brody et al. merely teaches requesting updated credit information from a credit bureau that includes the number of inquiries made regarding a consumer's credit, the number of accounts open, the address, and revolving balance. However, nowhere does this portion of Brody et al. teach or suggest the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor.

Also, this portion of Brody et al. is only concerned with updating the consumer of changes to the consumer's credit in order to notify the consumer of major changes to the consumer's credit report and with providing a summary of how the specific change can affect the consumer's credit (see paragraph [0087] of Brody et al.). Paragraph [0087] of Brody et al. has no interest in retrieving credit information that comprise a plurality of credit items, each credit item associated with a specific credit grantor.

Moreover, no other portion of Brody et al. teaches these features of claim 1. Paragraph [0048] of Brody et al. describes the specific credit information pulled from the credit bureau. However, paragraph [0048] of Brody et al. merely teaches that the credit bureau batch processor 48 pulls data such as the number of accounts a consumer has open, the number of credit inquiries made to the consumer's credit report in the last seventy days, what the consumer's current address is, the consumer's total revolving balance, Beacon score, and fraud alert information.

Nowhere does Brody et al. teach or suggest the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor, as recited in claim 1.

Remington et al. does not overcome these deficiencies of Brody et al. Remington et al. is directed to a bill presentment and payment remittance system and does not contemplate retrieving credit information from a credit bureau (see Abstract of Remington et al.). Accordingly, Remington et al. does not contemplate the features of the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor, as recited in claim 1.

Second, the combination of Brody et al. and Remington et al. does not teach or suggest providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each one of said active links being associated with a respective one of the plurality of credit items to provide the consumer the ability to interact with each credit item of the credit information via the computer, or providing the consumer the ability to communicate directly with one of the credit grantors regarding one of the credit items by selecting the active link associated with the credit item, as recited in claim 1.

The November 30, 2009 Office Action correctly notes that Brody et al. does not teach the above features of claim 1 (see page 3 of the November 30, 2009 Office Action). However, the November 30, 2009 Office Action asserts that portions of Remington et al. disclose providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each one of said active links being associated with a respective one of the plurality of credit items to provide the consumer the ability to interact with each credit item of the credit information via the computer, and disclose providing the consumer the ability to communicate directly with one of the credit grantors regarding one of the credit items by selecting the active link associated with the credit item (see page 3 of the November 30, 2009 Office Action). This is not the case.

As discussed above, Remington et al. is directed to a bill presentment and payment remittance system and does not contemplate retrieving credit information from a credit bureau

(see Abstract of Remington et al.). Thus, as a first matter, Remington et al. cannot contemplate providing retrieved credit information in any form.

Also, Remington et al. merely teaches a bill presentment user interface (UI) that includes a marking system and executable hyperlinks. However, the marking system of Remington et al. is provided only for interacting with items in a bill provided by a single bill provider (see column 10, line 39-column 11, line 60 and Figure 9 of Remington et al.). Each of the hyperlinks of Remington et al. is associated with an unrelated marketing advertisement, whereby activating a link causes the biller UI to initiate another application, such as an Internet Web browser, to retrieve and render the document or resource that is targeted by the hyperlink (see column 12, lines 29-38 of Remington et al.).

However, neither the marking system nor the hyperlinks of Remington et al. are associated with a credit item to provide the consumer the ability to interact with each credit item of the credit information, as required by the active links of claim 1. Thus, Remington et al. fails to teach or suggest providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each one of said active links being associated with a respective one of the plurality of credit items to provide the consumer the ability to interact with each credit item of the credit information via the computer. Remington et al. also fails to teach or suggest providing the consumer the ability to communicate directly with one of the credit grantors regarding one of the credit items by selecting the active link associated with the credit item.

Third, it would not be obvious to one skilled in the art to modify the features of Brody et al. with features of Remington et al. to obtain the above features of claim 1. An invention is not proved obvious merely by showing that each of the claimed elements is found in the prior art. Ex Parte Whelan II, page 16, Board of Patent Appeals and Interferences, July 23, 2008. Instead, it must be shown that those having ordinary skill in the art would have had some apparent reason to combine the known elements in the fashion claimed. Id.

In determining whether there is some apparent reason to combine known elements, one must consider the field of the claimed invention and the field of the prior art, and determine whether the prior art is reasonably pertinent. A reference is reasonably pertinent if, even though

it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. In re Icon Health & Fitness, Inc., 496 F.3d 1374, 1379 (Fed. Cir. 2007).

Remington et al. is directed to a bill presentment and payment remittance system (see Abstract of Remington et al.). In contrast, claim 1 is directed to a method for on-line monitoring and on-line interaction and control of credit information from a credit report of a consumer of credit.

One skilled in the art would not look to bill presentment and payment remittance systems, as disclosed in Remington et al., when attempting to create a method for on-line monitoring and on-line interaction and control of credit information from a credit report of a consumer of credit as recited in claim 1. Thus, Remington et al. is from a non-analogous art.

Also, there is no apparent reason to combine Brody et al. and Remington et al. because systems and methods for bill presentment and payment remittance (see Abstract of Remington et al.) are not reasonably pertinent to the field of providing consumers anonymous pre-approved offers from a consumer-selected group of merchants (see Abstract of Brody et al.). A person with ordinary skill in the art, given the teachings of Brody et al. with respect to providing consumers credit information and anonymous pre-approved offers from merchants based upon consumer credit information, would not have turned to methods for bill presentment and payment remittance. Thus, Brody et al. and Remington et al. are from non-analogous arts.

The Examiner provides no basis as to why one skilled in the art would look to the field of Remington et al. to obtain the above features of claim 1. The November 30, 2009 Office Action merely states that it would be "obvious to one of ordinary skill in the art at the time of the invention to modify Brody's invention to include the on-line credit information system providing the retrieved credit information in an active itemized format comprising a plurality of active links, each one said active links being associated with a respective one of the plurality" (see pages 3 and 4 of the November 30, 2009 Office Action). However, the specific teachings of Remington et al. are irrelevant as one of ordinary skill in the art would have no motivation to look to the art of bill payment and remittance in the first place.

Thus, the combination of Brody et al. and Remington et al. does not teach or suggest all of the features of claim 1.

2. The combination of Brody et al. in view of Remington et al. does not teach or suggest all of the features of claim 18.

Claim 18 depends from claim 1 and recites that the plurality of active links are links to report inaccuracies of the credit items.

The combination of Brody et al. and Remington et al. does not teach or suggest these features of claim 18. The November 30, 2009 Office Action correctly notes that Brody et al. does not teach the above features of claim 18 (see page 4 of the November 30, 2009 Office Action). However, the November 30, 2009 Office Action asserts that portions of Remington et al. disclose that the plurality of active links are links to report inaccuracies of the credit items (see page 4 of the November 30, 2009 Office Action). This is not the case.

As discussed above, Remington et al. is directed to a bill presentment and payment remittance system and does not contemplate retrieving credit information from a credit bureau (see Abstract of Remington et al.). Thus, as a first matter, Remington et al. cannot contemplate providing retrieved credit information in any form.

Also, Remington et al. merely teaches a bill presentment user interface (UI) that includes a marking system and executable hyperlinks. However, the marking system of Remington et al. is provided only for interacting with items in a bill provided by a single bill provider (see column 10, line 39-column 11, line 60 and Figure 9 of Remington et al.). Each of the hyperlinks of Remington et al. is associated with an unrelated marketing advertisement, whereby activating a link causes the biller UI to initiate another application, such as an Internet Web browser, to retrieve and render the document or resource that is targeted by the hyperlink (see column 12, lines 29-38 of Remington et al.).

However, neither the marking system nor the hyperlinks of Remington et al. are associated with a credit item and therefore cannot be considered as links to report inaccuracies of the credit items, as required by the active links of claim 18 (see column 10, line 39-column 11, line 60 and column 12, lines 28-38 of Remington et al.).

Moreover, for similar reasons as those discussed above with respect to claim 1, it would not be obvious to one skilled in the art to modify the features of Brody et al. with features of Remington et al. to obtain the above features of claim 18.

Accordingly, the combination of Brody et al. and Remington et al. does not teach or suggest all of the features of claim 18.

3. The combination of Brody et al. in view of Remington et al. does not teach or suggest all of the features of claim 22.

Claim 22 is directed to a method for on-line monitoring, interaction and control of credit information of a consumer of credit using the consumer's credit report that recites, inter alia, the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor. Claim 22 also recites providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each of said links being associated with a respective one of the credit grantors to provide the consumer the ability to initiate contact with the credit grantors regarding the credit items.

First, the combination of Brody et al. and Remington et al. does not teach or suggest the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor. The November 30, 2009 Office Action asserts that paragraph [0087] of Brody et al. teaches the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor. This is not the case.

Brody et al. is directed to systems and methods for providing consumers with credit information that help consumers evaluate their credit report or credit worthiness, and better understand their credit rating and for providing pre-approved credit offers from a consumer-selected group of merchants (see Abstract of Brody et al.). Particularly, paragraph [0087] of Brody et al. merely teaches requesting updated credit information from a credit bureau that includes the number of inquiries made regarding a consumer's credit, the number of accounts open, the address, and revolving balance. However, nowhere does this portion of Brody et al. teach or suggest the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor.

Also, this portion of Brody et al. is only concerned with updating the consumer of changes to the consumer's credit in order to notify the consumer of major changes to the consumer's credit report and providing a summary of how the specific change can affect the consumer's credit (see paragraph [0087] of Brody et al.). Paragraph [0087] of Brody et al. has no interest in retrieving credit information that comprise a plurality of credit items, each credit item associated with a specific credit grantor.

Moreover, no other portion of Brody et al. teaches these features of claim 22. Paragraph [0048] of Brody et al. describes the specific credit information pulled from the credit bureau. However, paragraph [0048] of Brody et al. merely teaches that the credit bureau batch processor 48 pulls data such as the number of accounts a consumer has open, the number of credit inquiries made to the consumer's credit report in the last seventy days, what the consumer's current address is, the consumer's total revolving balance, Beacon score, and fraud alert information. Nowhere does Brody et al. teach or suggest the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor, as recited in claim 22.

Remington et al. does not overcome these deficiencies of Brody et al. Remington et al. is directed to a bill presentment and payment remittance system and does not contemplate retrieving credit information from a credit bureau (see Abstract of Remington et al.). Accordingly, Remington et al. does not contemplate the features of the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor, as recited in claim 22.

Second, the combination of Brody et al. and Remington et al. does not teach or suggest providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each of said links being associated with a respective one of the credit grantors to provide the consumer the ability to initiate contact with the credit grantors regarding the credit items, as recited in claim 22.

The November 30, 2009 Office Action rejects claim 22 based on the same rationale as the rejection to claim 1 (see page 4 of the November 30, 2009 Office Action). The rejection of claim 1 correctly notes that Brody et al. does not teach providing the retrieved credit information to the

consumer in an active itemized format comprising a plurality of active links, each one of said active links being associated with a respective one of the plurality of credit items to provide the consumer the ability to interact with each credit item of the credit information via the computer (see page 3 of the November 30, 2009 Office Action). However, the November 30, 2009 Office Action asserts that portions of Remington et al. disclose providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each one of said active links being associated with a respective one of the plurality of credit items to provide the consumer the ability to interact with each credit item of the credit information via the computer (see page 3 of the November 30, 2009 Office Action). This is not the case.

As discussed above, Remington et al. is directed to a bill presentment and payment remittance system and does not contemplate retrieving credit information from a credit bureau (see Abstract of Remington et al.). Thus, as a first matter, Remington et al. cannot contemplate providing retrieved credit information in any form.

Also, Remington et al. merely teaches a bill presentment user interface (UI) that includes a marking system and executable hyperlinks. However, the marking system of Remington et al. is provided only for interacting with items in a bill provided by a single bill provider (see column 10, line 39-column 11, line 60 and Figure 9 of Remington et al.). Each of the hyperlinks of Remington et al. is associated with an unrelated marketing advertisement, whereby activating a link causes the biller UI to initiate another application, such as an Internet Web browser, to retrieve and render the document or resource that is targeted by the hyperlink (see column 12, lines 29-38 of Remington et al.).

However, neither the marking system nor the hyperlinks of Remington et al. are associated with a credit item to provide the consumer the ability to interact with each credit item of the credit information, as required by the active links of claim 22. Thus, Remington et al. fails to teach or suggest providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each of said links being associated with a respective one of the credit grantors to provide the consumer the ability to initiate contact with the credit grantors regarding the credit items.

Third, it would not be obvious to one skilled in the art to modify the features of Brody et al. with features of Remington et al. to obtain the above features of claim 22. An invention is not proved obvious merely by showing that each of the claimed elements is found in the prior art. Ex Parte Whelan II, page 16, Board of Patent Appeals and Interferences, July 23, 2008. Instead, it must be shown that those having ordinary skill in the art would have had some apparent reason to combine the known elements in the fashion claimed. Id.

In determining whether there is some apparent reason to combine known elements, one must consider the field of the claimed invention and the field of the prior art, and determine whether the prior art is reasonably pertinent. A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. In re Icon Health & Fitness, Inc., 496 F.3d 1374, 1379 (Fed. Cir. 2007).

Remington et al. is directed to a bill presentment and payment remittance system (see Abstract of Remington et al.). In contrast, claim 22 is directed to a method for on-line monitoring, interaction and control of credit information of a consumer of credit using the consumer's credit report.

One skilled in the art would not look to bill presentment and payment remittance systems, as disclosed in Remington et al., when attempting to create a method for on-line monitoring, interaction and control of credit information of a consumer of credit using the consumer's credit report as recited in claim 22. Thus, Remington et al. is from a non-analogous art.

Also, there is no apparent reason to combine Brody et al. and Remington et al. because systems and methods for bill presentment and payment remittance (see Abstract of Remington et al.) are not reasonably pertinent to the field of providing consumers anonymous pre-approved offers from a consumer-selected group of merchants (see Abstract of Brody et al.). A person with ordinary skill in the art, given the teachings of Brody et al. with respect to providing consumers credit information and anonymous pre-approved offers from merchants based upon consumer credit information, would not have turned to methods for bill presentment and payment remittance. Thus, Brody et al. and Remington et al. are from non-analogous arts.

The Examiner provides no basis as to why one skilled in the art would look to the field of Remington et al. to obtain the above features of claim 22. The November 30, 2009 Office Action merely states that it would be “obvious to one of ordinary skill in the art at the time of the invention to modify Brody’s invention to include the on-line credit information system providing the retrieved credit information in an active itemized format comprising a plurality of active links, each one said active links being associated with a respective one of the plurality” (see pages 3 and 4 of the November 30, 2009 Office Action). However, the specific teachings of Remington et al. are irrelevant as one of ordinary skill in the art would have no motivation to look to the art of bill payment and remittance in the first place.

Thus, the combination of Brody et al. and Remington et al. does not teach or suggest all of the features of claim 22.

B. Claims 14, 15, 17 and 21 are not unpatentable under 35 U.S.C. §103(a) in view of Brody et al. (U.S. Patent Publication No. 2002/0077964) in view of Ferguson, III (U.S. Patent Publication No. 2002/0173994) and further in view of Crawford et al. (U.S. Patent Publication No. 2003/0046223).

Claims 14, 15, 17 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brody et al. in view of Ferguson, III and further in view of Crawford et al. Appellants respectfully request reversal of the rejection for at least the following reasons. For purposes of this appeal only, independent claim 14 is argued below and dependent claims 15, 17 and 21 are considered to stand or fall together with claim 14. Also, for purposes of this appeal only, the 35 U.S.C. §103(a) rejections of dependent claims 16 is not addressed as this claim is considered to stand or fall together with claim 14.

1. It would not be obvious to a person of ordinary skill in the art to combine Brody et al. Ferguson, III and Crawford et al. to obtain the features of claim 14.

As noted earlier, an invention is not proved obvious merely by showing that each of the claimed elements is found in the prior art. Ex Parte Whelan II, page 16, Board of Patent Appeals and Interferences, July 23, 2008. Instead, it must be shown that those having ordinary skill in the

art would have had some apparent reason to combine the known elements in the fashion claimed. Id.

In determining whether there is some apparent reason to combine known elements, one must consider the field of the claimed invention and the field of the prior art, and determine whether the prior art is reasonably pertinent. A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. In re Icon Health & Fitness, Inc., 496 F.3d 1374, 1379 (Fed. Cir. 2007).

Claim 14 is directed to a method for on-line monitoring and control of credit information of a consumer of credit. As noted in Applicants Response of March 23, 2009, the features of claim 14 are directed to the concept of a one-stop hub for providing various on-going, value added credit services that require maintaining updated credit information.

In contrast, Brody et al. is merely directed to a method and system for providing consumers anonymous pre-approved offers from a consumer-selected group of merchants (see Abstract of Brody et al.). Ferguson, III is merely directed to a method of insuring an insured for identity theft peril (see Abstract of Ferguson, III). Crawford et al. is merely directed to a method and apparatus for explaining credit scores (see Abstract of Ferguson, III). Nowhere does Brody et al., Ferguson, III or Crawford et al. contemplate the concept of a one-stop hub for providing various on-going, value added credit services that require maintaining updated credit information. Thus, Brody et al., Ferguson, III and Crawford et al. are all directed to art that is non-analogous to the method of claim 14.

Also, there is no apparent reason to combine Brody et al. with either Ferguson, III or Crawford et al. because both methods for insuring an insured for identity theft peril (see Abstract of Ferguson, III) and methods and apparatuses for explaining credit scores are not reasonably pertinent to the field of providing consumers anonymous pre-approved offers from a consumer-selected group of merchants (see Abstract of Brody et al.). A person with ordinary skill in the art, given the teachings of Brody et al. with respect to providing consumers credit information and anonymous pre-approved offers from merchants based upon consumer credit information,

would not have turned to methods for insuring an insured for identity theft peril or to methods and apparatuses for explaining credit scores. Thus, Brody et al., Ferguson, III and Crawford et al. are all directed to non-analogous arts.

In the Response to Arguments section on page 13 of the November 30, 2009 Office Action, the Examiner asserts that “First of all, the consumer will contact their credit card company first, so that they can cancel their card and they will not be charged for purchases by someone other than themselves.” The Examiner also asserts, “Secondly the individual will immediately contact the three reporting agencies to notify them that their credit card has been lost or stolen in order for any negative credit information be recorded in their credit reports.” Next, the Examiner asserts “Additionally, if an individual does not perform these steps, there is a high probability that their credit and credit scores will become adversely affected. As a result, when they wish to purchase a house or car, the lender will not offer them the lowest interest rate, and they will have to accept a much higher rate of return.”

However, this reasoning is only obtained via hindsight analysis as neither Brody et al., Ferguson, III, nor Crawford et al. envision such a scenario or even contemplate modifying their respective methods beyond their intended focus to include various other services not directly related their intended focus. Also, the specific teachings of Ferguson, III and Crawford et al. are irrelevant as one of ordinary skill in the art would have no motivation to look to the art of insuring an insured for identity theft peril (i.e., Ferguson, III) or the art of explaining credit scores in the first place (i.e., Crawford et al.) when attempting to modify Brody et al. to obtain the features of claim 14.

As neither Brody et al., Ferguson, III nor Crawford et al. contemplate the concept of a one-stop hub for providing various on-going, value added credit services that require maintaining updated credit information, it would not be obvious to a person of ordinary skill in the art to combine Brody et al. Ferguson, III and Crawford et al. to obtain the features of claim 14.

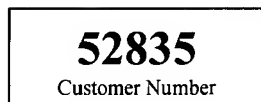
CONCLUSION

Appellants submit that the rejection is untenable for the reasons set forth above and should be reversed. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-3478.

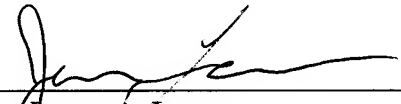
Respectfully submitted,

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Dated: March 29, 2010



By


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VIII. CLAIMS APPENDIX

1. A method for on-line monitoring and on-line interaction and control of credit information from a credit report of a consumer of credit, the method comprising:

providing an on-line consumer credit information management system that allows the consumer to log onto the on-line consumer credit information management system by means of a computer;

the on-line consumer credit information management system accessing and retrieving credit information from the credit report of the consumer from a database of a credit reporting bureau that contains credit information of the consumer as reported to the credit reporting bureau by one or more credit grantors, the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor;

the on-line consumer credit information management system providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each one of said active links being associated with a respective one of the plurality of credit items to provide the consumer the ability to interact with each credit item of the credit information via the computer; and

the on-line consumer credit information management system providing the consumer the ability to communicate directly with one of the credit grantors regarding one of the credit items by selecting the active link associated with the credit item.

2. (Cancelled)

3. The method as set forth in claim 1 including the on-line consumer credit information management system computing the consumers credit score based upon the credit report.
4. The method as set forth in claim 3 wherein the on-line consumer credit information management system provides the credit report and the credit score to the consumer via the computer.
5. The method as set forth in claim 3 including the on-line consumer credit information management system archiving the credit report and the credit score.
6. The method as set forth in claim 1 wherein accessing and retrieving the consumer's credit information includes the on-line consumer credit information management system accessing the database of the credit reporting bureau on a periodic basis to obtain credit reports; and the on-line consumer credit information management system determining changes in the credit reports.
7. The method as set forth in claim 6 including the on-line consumer credit information management system creating an alert based on the changes in the credit reports.
8. The method as set forth in claim 7 including the on-line consumer credit information management system providing the alert to the consumer.

9. The method as set forth in claim 6 including the on-line consumer credit information management system archiving the credit reports.

10. The method as set forth in claim 1 including:

the on-line consumer credit information management system allowing the consumer to report an identity theft via the on-line consumer credit information management system;

the on-line consumer credit information management system providing forms to the consumer for reporting identity theft to selected organizations; and

the on-line consumer credit information management system receiving completed forms from the consumer and the on-line consumer credit information management system providing the completed forms to the selected organizations.

11. The method as set forth in claim 1 comprising:

the on-line consumer credit information management system computing the expected interest rates the consumer should pay for specific types of loans based on the consumers credit score; and

the on-line consumer credit information management system providing the expected interest rates to the consumer.

12. The method as set forth in claim 1 including the on-line consumer credit information management system archiving the credit information retrieved from the credit reporting bureau database.

13. The method as set forth in claim 12 including the on-line consumer credit information management system accessing the credit information that is archived by the on-line consumer credit information management system.

14. A method for on-line monitoring and control of credit information of a consumer of credit, comprising:

providing an on-line consumer credit information management system that allows the consumer to log onto the on-line consumer credit information management system by means of a computer;

the on-line consumer credit information management system allowing the consumer to select at least two or more of the following services offered by the on-line consumer credit information management system: obtaining and tracking credit reports and/or scores; monitoring credit; reporting lost credit cards; identity theft reporting; calculating hypothetical interest rates that the consumer should pay for specific types of loans based on the consumer's credit information; and accessing credit information archived by the on-line consumer credit information management system.

15. The method of claim 21, comprising the on-line consumer credit information management system providing credit information of the consumer from the credit information management database to the consumer's computer based on one of the services selected by the consumer.

16. The method of claim 15, comprising the on-line consumer credit information management system allowing the consumer to request changes in the consumer's credit information directly with one or more credit grantors.
17. The method of claim 21, comprising the on-line consumer credit information management system retrieving the credit information from the database of a credit reporting bureau that contains credit information of the consumer as reported to the credit reporting bureau by one or more credit grantors.
18. The method of claim 1, wherein the plurality of active links are links to report inaccuracies of the credit items.
19. The method of claim 1, wherein the plurality of credit items are associated with the same credit grantor or with different credit grantors.
20. The method of claim 1, wherein selecting the active link associated with one credit item, the on-line consumer credit information management system generates a form for directly contacting the credit grantor via mail.
21. The method of claim 14, comprising the on-line consumer credit information management system accessing and retrieving credit information comprising a plurality of credit

items, each credit item associated with a specific credit grantor, and storing the retrieved credit information in a credit information management database; and

wherein each of the services offered by the on-line consumer credit information management system obtains credit information used by the services from the credit information management database.

22. A method for on-line monitoring, interaction and control of credit information of a consumer of credit using the consumer's credit report, the method comprising:

providing an on-line consumer credit information management system that allows the consumer to log onto the on-line consumer credit information management system by means of a computer;

the on-line consumer credit information management system accessing and retrieving credit information from the consumer's credit report from a database of a credit reporting bureau that contains credit information of the consumer as reported to the credit reporting bureau by credit grantors, the retrieved credit information comprising a plurality of credit items, each credit item associated with a specific credit grantor; and

the on-line consumer credit information management system providing the retrieved credit information to the consumer in an active itemized format comprising a plurality of active links, each of said active links being associated with a respective one of the credit grantors to provide the consumer the ability to initiate contact with the credit grantors regarding the credit items.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None